

LIST OF EXHIBITS

(Defendants' Motion to Dismiss or, in the Alternative, for Summary Judgment)

**Exhibit
No.**

1. Executive Order No. 13337, 69 Fed. Reg. 25,299 (Apr. 30, 2004)
2. President Ulysses Grant's Seventh Annual Message to Congress, *reprinted in Papers Relating to the Foreign Relations of the United States*, Vol. 1, 44th Cong. 1st Sess., H.R. Ex. Doc. 1, Pt. 1, (Dec. 6, 1875)
3. Foreign Cables, 22 Op. Att'y Gen. 13 (1898)
4. Cuba-Cables, 22 Op. Att'y Gen. 408 (1899)
5. Cuba-Cables, 22 Op. Att'y Gen. 514 (1899)
6. Wireless Telegraphy-International Agreement, 24 Op. Att'y Gen. 100 (1902)
7. Diversion of Water from Niagara River, 30 Op. Att'y Gen. 217 (1913)
8. Granting of License for the Construction of a Gas Pipeline, 38 Op. Att'y Gen. 163 (1935)
9. 9 Marjorie M. Whiteman, Digest of International Law 917-32 (1968)
10. IV G.H. Hackworth, Digest of International Law 247-56 (1942)
11. 2 John Bassett Moore, Digest of International Law 452-66 (1906)
12. Presidential permit authorizing US-Canada oil pipeline cross-border facilities signed by President John F. Kennedy, dated Oct. 18, 1962
13. Presidential permit signed by President Lyndon B. Johnson, dated Jan. 22, 1968
14. Exec. Order No. 10530, 19 Fed. Reg. 2,709 (May 12, 1954)
15. Exec. Order No. 10485, 18 Fed. Reg. 5,397 (Sept. 3, 1953)
16. Exec. Order No. 12038, 43 Fed. Reg. 4,957 (Feb. 3, 1978)
17. Exec. Order No. 8202, 4 Fed. Reg. 3,243 (July 15, 1939)
18. Exec. Order No. 11423, 33 Fed. Reg. 11,741 (Aug. 16, 1968)

19. *Sisseton-Wahpeton Oyate v. Dep’t of State*, 3:08-cv-3023, TransCanada’s brief in support of motion to dismiss, ECF No. 28 (Feb. 1, 2009)
20. *Sisseton-Wahpeton Oyate v. Dep’t of State*, 3:08-cv-3023, TransCanada’s reply brief in support of motion to dismiss, ECF No. 48 (Apr. 13, 2009)
21. *NRDC v. Dep’t of State*, 1:08-cv-01363, TransCanada’s motion to dismiss and supporting memorandum, ECF No. 25 (Oct. 20, 2008)
22. Department of State Report to Congress Under the Temporary Payroll Tax Cut Continuation Act of 2011, Section 501(b)(2)
23. Notice of 30 Day Public Comment Period Regarding National Interest Determination for TransCanada Keystone Pipeline, LP’s Presidential Permit Application, 79 Fed. Reg. 6,984 (Feb. 5, 2014)
24. Keystone XL Pipeline Approval Act, S. 1, 114th Cong. (2015)
25. Report of the Veto of S. 1, the Keystone XL Pipeline Approval Act, 161 Cong. Rec. S1,073 (daily ed. Feb. 24, 2015)
26. American Energy Renaissance Act of 2015, S. 791 and H.R. 1487, 114th Cong. (2015)
27. Keystone for a Secure Tomorrow Act, H.R. 28, 114th Cong. (2015).
28. North American Energy Infrastructure Act, S. 1228, 114th Cong. (2015)
29. Press Release, the White House, *U.S. Leadership and the Historic Paris Agreement to Combat Climate Change* (Dec. 12, 2015)
30. Unauthorized Landing of Submarine Cables in the United States, H. Rep. 67-71 (1921)
31. American Jobs Now: A Legislative Hearing on H.R. 3548, the North American Energy Access Act: hearing before the Subcommittee on Energy and Power of the Committee on Energy and Commerce, 112th Cong. (Jan. 25, 2012) (statement of Dr. Kerri-Ann Jones, Assistant Sec’y of State)
32. Record of Decision and National Interest Determination Regarding the Alberta Clipper Pipeline, (Aug. 3, 2007)
33. Excerpt of National Security Strategy, White House (Feb. 2015)

34. Excerpt of Quadrennial Defense Review 2014, Department of Defense
35. Hearing on 2015 Paris International Climate Negotiations before the Subcommittee on Multilateral International Development, Multilateral Institutions, and International Economic, Energy, and Environmental Policy, 114th Cong. (Oct. 20, 2015) (Testimony of Todd D. Stern, Special Envoy for Climate Change)
36. Keystone XL Pipeline, S. Rep. No. 114-1 (2015)